

Pre-Order Mechanized Loop Testing (“MLT”) as a State Impasse Issue

The commissions of every state included in this Application considered the issue of whether Qwest should be required to make pre-order mechanized loop tests (“MLT”) available. Without exception, those commissions found that Qwest need not offer pre-order MLT to CLECs. 1/

In fact, Qwest has prevailed in every state that has rendered a decision on pre-order MLT. In addition to the states included in this Application, Qwest’s position on pre-order MLT was also approved by the Arizona Corporation Commission in an order issued on May 21, 2002, by the New Mexico Public Regulation Commission in an order issued on July 9, 2002, and by the Public Utility Commission of Oregon in an order issued on February 5, 2002. 2/

Below is a list of the main orders addressing the pre-order MLT issue in each state included in this Application, including their location in the Qwest I and Qwest II proceedings.

Qwest I Proceeding

Colorado

- *Colorado Hearing Commissioner’s Volume VA Impasse Issue Decision*, Appendix C, Colorado Volume 1, Tab 19, at 36-39 (Nov. 6, 2001).

Multistate Proceeding

- Multistate Facilitator’s Report on Checklist Items 2, 4, 5, and 6, Appendix C, Multistate Volume 1, Tab 7, at 62-64 (June 20, 2001).

1/ The state resolutions of this issue are discussed in the Qwest I and Qwest II applications. See Declaration of William M. Campbell, Unbundled Loops, Qwest I: Appendix A, Tab 14, ¶¶ 127-30. Declaration of William M. Campbell, Unbundled Loops, Qwest II, Appendix A, Tab 13, ¶¶ 117-20.

2/ The remaining two states in Qwest’s region – Minnesota and South Dakota – have not yet issued orders addressing pre-order MLT. However, the issue of pre-order access to MLTs is disputed in both of these state proceedings. Qwest completed hearings on this issue in South Dakota in late April 2002 and submitted post-hearing briefs in May and July. Hearings in Minnesota recently concluded, in early October 2002, and the parties are currently briefing the disputed issues, including access to MLT

Idaho

- *Idaho PUC Checklist Compliance Decision*, Appendix C, Idaho Volume 1, Tab 4, at 7-8 (Nov. 20, 2001).

Iowa

- *Iowa Board Conditional Statement on Checklist Items 2, 4, 5, and 6*, Appendix C, Iowa Volume 1, Tab 5, at 34-36 (Dec. 21, 2001).

Nebraska

- *Nebraska PSC SGAT Approval Order*, Appendix K, Nebraska Volume 1, Tab 619.1, at 19-20 (Dec. 4, 2001).

North Dakota

- *North Dakota PSC Report on Checklist Items 2, 4, 5, and 6*, Appendix C, North Dakota Volume 1, Tab 7, at 20 (Jan. 16, 2002).

Qwest II Proceeding

Multistate Proceeding

- Multistate Facilitator's Report on Checklist Items 2, 4, 5, and 6, Appendix C, Multistate Volume 1, Tab 7, at 62-64 (June 20, 2001).

Montana

- *Montana PSC Final Report on Checklist Items 2 and 4*, Appendix C, Montana Volume 1, Tab 17, at 64-66 (Jan. 30, 2002).

Utah

- *Utah PSC Report on Checklist Items 2, 4, 5, and 6*, Appendix C, Utah Volume 1, Tab 22, at 21-22 (Mar. 25, 2002);
- *Utah PSC Final Order Regarding Qwest § 271 Compliance*, Appendix P, Volume 2, Tab 29, at 3-4 (July 8, 2002).

Washington

- *Washington Commission 20th Supplemental Order*, Appendix C, Washington Volume 1, Tab 7, at 16-17 (Nov. 14, 2001);
- *Washington Commission 28th Supplemental Order*, Appendix C, Washington Volume 1, Tab 12, at 9-12 (Mar. 12, 2002).
- *Washington Commission 31st Supplemental Order*, Appendix C, Washington Volume 1, Tab 12, at 9-12 (Apr. 12, 2002).

Wyoming

- *Wyoming PSC Order on Group 4 Workshop Items*, Appendix C, Wyoming Volume 1, Tab 10, at 6 (Apr. 12, 2002).